

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 25, 2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 97-111, 114-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino (US 5,606,496) in view of Smith (US 5,450,123), and further in view of Dagdeviren et al. (US 5,371,534, hereinafter "Dagdeviren"), and further in view of Grady et al. (US 5,712,906, hereinafter "Grady").

D'Agostino discloses a commercial transaction communication system (Fig. 1) for selectively enabling video communications through a communication system (telephone network; col. 7, lines 29-40) between members of plural groups (customer terminals 14 and representative terminals 12), each including at least one vendor and selling

different products or services (each representative terminal provides a different financial service; col. 4, lines 21-29), comprising:

video display systems (customer terminal 14 in Fig. 2A; representative terminal 12 in Fig. 2B; the customer terminal capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56);

an interconnect system (telephone system including communication links 16, 18) adapted to selectively electronically couple the video display terminals (customer terminal is selectively coupled to the appropriate representative terminal) through the communication system on the basis of stored information (preset numbers are stored which correspond with different financial services; col. 4, lines 21-29) and buyer input (desired financial service is selected by the customer depressing the appropriate button (col. 4, lines 24-29) and to permit the exchange of commercial transaction data (credit card payment data; col. 7, lines 4-6, 65-67); and

a video format switch (the representative uses an input device 46 to effect either a compatible video image display or a menu display; col. 6, lines 47-56).

D'Agostino differs from claims 97-129 in that although it provides for transmitting a video image of the representative, it does not specify communicating a dynamic, full-motion video. However, Smith teaches the desirability of including a camera so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-

motion video communication, as taught by Smith, within the system of D'Agostino in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

D'Agostino further differs from claims 97-129 in that although it teaches alternatively providing for a single link to transmit voice and data (col. 7, lines 33-35), it does not specify alternatively involving analog or digital lines. However, Dagdeviren teaches that it is old and well known to alternately involve analog lines (voice grade trunks 111) and digital lines (ISDN data lines 112) depending on whether the call is a voice grade, audio call or a multimedia ISDN call (Abstract; col. 5, lines 53-57) such that it would have been obvious to an artisan of ordinary skill to incorporate such alternate use of analog and digital lines, as taught by Dagdeviren, within the system of D'Agostino in order to provide the appropriate bandwidth for either voice or multimedia communication.

D'Agostino further differs from claims 17 and 33 in that it does not specify text communications between the vendor and buyer. However, Grady, from the same field of endeavor, teaches the desirability of providing text communications (email) between terminals (col. 11, lines 46-47) in addition to video and multimedia communication. It would have been obvious to an artisan of ordinary skill to provide for text communications, as taught by Grady, between the caller and agent stations of Smith in order to provide an additional means of communication.

Regarding claim 110, Smith provides for a dynamic video source and database

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Regarding claim 111, D'Agostino provides for a printer 28 and printer 50.

4. Claims 112-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of D'Agostino, Smith, Dagdeviren, and Grady as applied to claim 97 above, and further in view of Ando et al. (US 4,888,795, hereinafter "Ando").

The combination differs from claims 112-113 in that it does not specify the video being freeze-frame or high resolution. However, Ando teaches the desirability of providing the option of transmitting a single frame, high resolution video signal (such as when a text document is to be transmitted for clear viewing) or a full-motion, low resolution video signals (such as when face-to-face communication is desired) (Abstract; col. 1, line 24 - col. 3, line 35; col. 4, line 31 - col. 5, line 9; col. 7, line 39 - col. 8, line 3). It would have been obvious to an artisan of ordinary skill to incorporate the use of freeze-frame, high resolution video communication, as taught by Ando, within the combination of D'Agostino, Smith, Dagdeviren and Grady in order to allow for transmission of captured document data which requires a higher resolution than a moving image of the user's face.

5. Claims 130-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino in view of Smith, Dagdeviren, and Grady, as applied to claim 97 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald").

The combination of D'Agostino, Smith, Dagdeviren, and Grady differs from claims 130-131 in that although it provides for displaying products to the customer

(Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of D'Agostino, Smith, Dagdeviren, and Grady so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

6. This is a continued examination of applicant's earlier Application No. 09/505,914. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/  
Primary Examiner, Art Unit 2614